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RR RUEHGI RUEHRN RUEHROV
DE RUEHKM #0084/01 0210958
ZNR UUUUU ZZH
R 210958Z JAN 09
FM AMEMBASSY KAMPALA
TO RUEHC/SECSTATE WASHDC 1060
INFO RUEHKH/AMEMBASSY KHARTOUM 0765
RUCNIAD/IGAD COLLECTIVE
RUEHXR/RWANDA COLLECTIVE

UNCLAS SECTION 01 OF 02 KAMPALA 000084

SIPDIS

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [UG](#)

SUBJECT: UGANDA: IRREGULARITIES PLAGUE ANOTHER BY-ELECTION

REF: 08 Kampala 1613

¶1. Summary: On January 7, Uganda's ruling National Resistance Movement (NRM) regained two seats which the courts had earlier declared vacant due to election fraud committed by the winning candidate in one case, and to non-compliance with the electoral law in the other. Electoral malpractices were reported in the hotly-contested woman's Sembabule race, which pitted rival NRM candidates against each other. The reported interference of high-level NRM members in the outcome of the Sembabule contest further undermines voter confidence in the Electoral Commission (EC), which has demonstrated technical competence, but also susceptibility to political pressure. The Sembabule race also highlights deepening fissures within the NRM. If left unresolved by President Museveni, these tensions could generate even greater incentives for the NRM to cheat in the run-up to the 2011 elections.
End Summary.

¶2. On January 7, two by-elections were held to fill the vacated seats for the Sembabule District in central Uganda seat reserved for women and a seat representing Bujumba, a constituency in the Kalangala islands. Both seats became open on November 11, 2008 after the Supreme Court nullified the results of the 2006 elections in those districts. The candidate in Bujumba was found to not have proper academic qualifications. In Sembabule, the court found that NRM candidate Anifa Bagirana Kawooya committed election malpractices that may have affected the outcome of the race. The court also found that the EC failed to conduct the Sembabule exercise in accordance with electoral laws.

¶3. The Sembabule seat was contentious because it pitted Kawooya against another NRM party member, Joy Kabatsi. Though more popular within the district, Kabatsi was denied the party's nomination in the ruling party's primary in favor of Kawooya. Sembabule District officials supported Kabatsi, while Kawooya was backed by national-level NRM leaders, including Foreign Minister Sam Kutesa, who had bankrolled her tarnished victory in the original election. Local district officials were particularly upset that the national party would support a candidate found guilty of electoral malpractices by a court. As a result, Kabatsi decided to run as an independent.

¶4. Kabatsi's decision to run as an independent deeply divided the NRM and caused President Museveni to speak out against NRM members running as independents. Museveni, district natives Kutesa and Security Czar David Tinyefuza, NRM General Secretary Amama Mbabazi, and several government ministers campaigned for Kawooya. Local district leaders and many NRM reformers, especially Theodore Ssekikubo who is a parliamentarian from the district, and a few State House officials, campaigned for Kabatsi.

¶5. In the final tally, Kawooya won 26,445 votes (53.6 percent) to defeat Kabatsi, who garnered 22,373 votes (45.4 percent). Democratic Party candidate Irene Natongo won 474 votes (1 percent). By most accounts, Kabatsi was winning the election until late results were reported from two constituencies which gave Kawooya a 3,000-vote margin of victory. An angry Kabatsi stormed out of the tallying center minutes before the final results were announced, claiming that the EC had not thoroughly investigated reports of

irregularities and that the elections had been rigged in Kawooya's favor.

Electoral Malpractices Reported

¶ 16. Poloffs and local monitors observed the by-election in Sembabule District. The EC spent \$100,000 and eight weeks preparing for the election, according to Latif Ngonzi, the Chief Returning Officer. For the most part, voting was calm and orderly. The voting started on time and election materials at all polling centers had been delivered. There was a good turn-out of voters at most polling stations. Polling agents and police at the polling stations visited by emboffs were well-trained. At some polling stations, there were many cases of elderly and disabled voters being assisted to vote by family workers, which may have affected the secrecy of some ballots.

Poloffs saw some 50-60 individuals holding off to vote in anticipation that they would be paid for their vote in Kutesa's constituency. Poloffs also heard reports of ballot box stuffing in constituencies near the borders of the district. The EC established a complaint desk and telephone line and dispatched a mobile team to investigate reported incidents.

¶ 17. During the day, Kabatsi reported to the EC that her polling agents were beaten and chased away from several polling stations. She also claimed that Uganda Peoples Defense Force (UPDF) soldiers from Lutuuku parish (the home area of Lt. General David Tinyenfuzza), appeared at Kairasha polling center in Lugusulu Sub-County with pre-ticked ballots. Kabatsi said that Isha Ntumwa, her chief polling agent, was arrested while trying to intercept the pre-ticked ballots. Ntumwa was released after several hours. Kabatsi filed a

KAMPALA 00000084 002 OF 002

complaint to challenge the results in Lugusuulu and Lwebitakuli sub-counties. Ngonzi told poloffs there were no valid grounds to cancel the results at these centers.

¶ 18. Kabatsi's claims appear to be backed up by the findings of DemGroup, a non-partisan civil society-based monitoring group. DemGroup reported ballot stuffing, political arrests, and under-age voting in the Sembabule by-election. (Note: DemGroup is a coalition of civil society organizations headed by the Uganda Joint Christian Council and is a well-respected electoral watchdog with experience observing elections. End Note.) DemGroup's Executive Director Sylvester Arinaitwe told poloffs that the EC did not act independently and that he was concerned at the level at which "the process of democratization was being suffocated". He reported that DemGroup found that several complaints of electoral fraud that occurred at various polling stations could have affected the outcome of the race. In a press conference, DemGroup reported that "there was bribery by various players, including some Cabinet Ministers who are said to have bought alcohol, sugar, and even given cash to voters." Local residents claimed they had been intimidated before and during the elections by security forces and that soldiers had interfered in the process, according to Arinaitwe. DemGroup found that a majority of voters indicated that they had supported Kabatsi.

The Bujumba Election

¶ 19. In the other by-election on January 7, NRM candidate Fred Badda won the Bujumba seat as expected, and handily with 3,341 votes. He defeated the main rival, Peter Muyanda, also an independent candidate, who received 2,280 votes (39.4 percent), and DP candidate Joseph Herman Kakooza, who polled 160 votes (2.8 percent). The EC said there were no serious complaints registered during the exercise, but the losers were unhappy with the results. There will be no petition filed with the courts.

Comment

¶10. The latest by-elections demonstrate that election malpractices continue to plague Uganda's electoral process even in an intra-party affair. Logistically, the EC can put in place proper procedures and mechanics for a free election. However, the Sembabule by-election indicates that these preparations are not immune from political interference from the highest levels of government.

¶11. Of equal interest is that the by-election also exposed deep divisions within the ruling party between Museveni, Foreign Minister Kutesa and other "historicals" on one side, and the new generation of party members led by outspoken parliamentarians, on the other. Moreover, Museveni's backing of Kawooya, who was found by the court to have committed previous electoral malpractices, over Kabatsi, a locally popular, card-carrying NRM member, has soured local district politicians and residents on the ruling party. Museveni has recently reached out to Kabatsi, but institutionally, the NRM appears to be doing nothing to shore up its weakening support in many areas of Uganda. This suggests the ruling party may have to rely increasingly on corruption and vote rigging to maintain its overwhelming parliamentary majority in the run-up to parliamentary and presidential elections in 2011.

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